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SIPDIS

SENSITIVE

DEPARTMENT FOR G/TIP, G, INL, DRL, PRM, IWI, EUR/PGI

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SUBJECT: TURKEY: 2004 ANTI TRAFFICKING IN PERSONS REPORT

REF: SECSTATE 7869

¶1. (U) Sensitive but unclassified. Please protect accordingly.

¶2. (U) Post's responses are keyed to questions in reftel. Embassy point of contact is David McFarland, who replaces Phil Kaplan following submission of this report. Kaplan (rank: FSO-03) spent approximately 100 hours in preparation of this report. McFarland (rank: FSO-05) spent approximately 10 hours in preparation of this report. The Political Counselor (rank: FS-01) spent roughly 10 hours in preparation of this report.

Overview

¶A. (U) Turkey is a destination and transit country for human trafficking. No territory within the country is outside of GOT control. There are no estimates on the numbers of TIP victims. Most reports of human trafficking involve foreign women engaged in illegal prostitution. According to a study released in November 2003 by the International Organization for Migration (IOM), the volume of trafficking in Turkey "can only be guessed at." The Turkish MFA recently added a special TIP reporting section to its official government website, (<http://www.mfa.gov.tr>). The MFA reports that police actions against 40 "entertainment enterprises" have been initiated, with investigations ongoing. Post is not aware of any reports involving the trafficking of children.

¶B. (U) According to the IOM study, women are trafficked to Turkey mostly from Romania, Georgia, Russia, Ukraine, Moldova, and Azerbaijan. Turkey is also a transit country for the trafficking of women from Central Asia, the Middle East, Africa, and the former Yugoslavia to Europe.

¶C. (U) Trafficking, along with illegal migration in general, emerged as a problem in Turkey within the last 10-15 years. IOM reported that, until recently, Turkey had long been a country of emigration, with liberal border control policies aimed at attracting tourists and enhancing foreign currency reserves. The collapse of the Soviet Union, among other factors, turned Turkey into a magnet for irregular migrants. The sudden change caught the GOT unprepared. The GOT is now adjusting its policies. While doing so, it has focused primarily on the need to control illegal border crossings, treating trafficking in persons (TIP) as a secondary concern, the IOM study concluded.

¶D. (SBU) As noted para A, IOM in November 2003 released a study on TIP in Turkey, the first of its kind. The study reached no conclusions on the extent of the problem. Regina Boucault, chief of the IOM Mission in Turkey, has told us her experience indicates the dimensions of the TIP problem in Turkey are relatively small, i.e. Turkey is not in the same category as the major destination and transit countries.

¶E. (SBU) According to Boucault, virtually all TIP victims enter Turkey willingly. Most come with the intention of working illegally as prostitutes, though some may be lured under false pretenses. They become TIP victims when they find themselves being kept under abusive conditions. Pimps often hold their documents, and sometimes threaten and beat them. Some TIP victims are held under slave-like conditions. In some instances, victims have escaped their captors and approached IOM for assistance.

¶F. (U) Turkey is not a country of origin.

I.G. (U) Combating TIP became a GOT priority in 2002. An inter-agency task force, chaired by the Ministry of Foreign Affairs, comprises officials from the Ministry of Interior, Ministry of Justice, Ministry of Finance, Ministry of Labor and Social Security, Ministry of Health, and the Prime Ministry. The task force first met in October 2002 and has met five times to date. As a result of the task force's efforts, the GOT adopted a TIP National Action Plan in March 2003.

I.H. (U) In July 2003, police in Erzurum arrested 11 people on trafficking charges, including three police officers. Judicial proceedings in the case are ongoing, though two of the police officers were reportedly sentenced to 6-month jail terms while the remaining officer was acquitted. Prosecutors opened a related case against 13 additional police officers for alleged involvement in the crime. There are credible reports of law enforcement officials receiving bribes either to smuggle aliens or turn a blind eye to illegal prostitution.

I.I. (SBU) Although the GOT has ample law enforcement resources to fight trafficking, it says it does not have adequate funding for shelters or rehabilitation for trafficking victims. MFA has unsuccessfully sought funding from the Finance Ministry for shelters and other services outlined in a protocol signed by the GOT and the Human Resources Development Foundation (HRDF), an Istanbul-based NGO. HRDF has also been unsuccessful to date in its efforts to secure private-sector support. As a result of the MFA-HRDF protocol, provincial governors throughout Turkey were tasked to identify property that may be converted to serve as regional shelters. In the absence of funding, no further action has been reported.

I.J. (U) As noted para G, the GOT has a task force on TIP, which monitors the various facets of its anti-TIP efforts. MFA releases monthly reports on the GOT's anti-TIP efforts.

I.K. (U) Prostitution is legal and regulated. The minimum age is 18.

I.L. (U) According to the women's advocacy group Flying Broom, among traditional, rural communities in Turkey's southeast, about 4 percent of brides are under 18. There is a traditional practice in the region whereby the groom pays money to the bride's family, though this practice has become far less common in recent years. There have been cases where brides have been brought from Syria to southeast Turkey, but this is not common, according to Flying Broom.

Prevention

I.A. (U) While government officials acknowledge that trafficking occurs, they argue that its scope is limited. They state that Turkey has a problem of foreign prostitution and illegal migration, contending that Turkey's liberal visa regime for Balkan, Black Sea Littoral, and Caucasian states -- usually an automatic visa at the border for a nominal fee -- obviates the need for human smuggling gangs. However, in response to international pressure, the GOT over the past two years has taken what IOM has described as "remarkable steps" to combat TIP both in Turkey and in the region.

I.B. (U) Government agencies involved in anti-trafficking efforts include the Ministry of Foreign Affairs; the Ministry of the Interior, which oversees the police, Jandarma (paramilitary rural police), and border guards; the Ministry of Labor; the Ministry of Justice; the Ministry of Health; and the Directorate on the Status and Problems of Women attached to the Ministry of Labor.

I.C. (U) There have not been any nationwide anti-trafficking campaigns aimed at the general public. Ad hoc, individual governors and police officials are reported to have engaged in public awareness campaigns against trafficking at the local level utilizing local NGOs. In December 2003, the Directorate General on the Status and Problems of Women held its second annual panel in Ankara on human trafficking. Law enforcement officials from around the country, journalists, and NGO representatives attended the event. In July 2003 the Tourism Ministry distributed a guide to the tourism industry notifying companies that the government is obligated by international agreement to take measures against foreigners visiting the country for sex tourism. In August 2003 FM and

Deputy PM Gul issued a press statement on TIP, distributed widely to media outlets.

1D. (U) As noted para I in Overview section, the GOT signed an anti-TIP protocol in September 2003 with HRDF. The protocol included a number of anti-TIP initiatives, including: providing shelters for TIP victims; establishing a center to provide medical and legal assistance to TIP victims; and raising public awareness of TIP. Neither the GOT nor HRDF has secured funding for the protocol, but HRDF did fulfill its obligation to establish a regional network with NGOs in neighboring countries to coordinate on trafficking issues.

1E. (U) The GOT (which is currently operating under an IMF program that sets targets related to its budget) claims financial difficulties in funding prevention programs. However, the GOT is pursuing alternate funding opportunities, most notably NGO support, and expanding current training programs to GOT officials on TIP.

1F. (SBU) As noted above, the GOT signed an anti-TIP protocol in September 2003 with HRDF, an Istanbul-based NGO. According to IOM, which recommended HRDF for the protocol, there are few NGOs in Turkey with TIP expertise. The GOT cooperates with IOM, UNHCR and the EU on TIP-related training for judicial and law enforcement officials. However, the GOT and IOM have not established a voluntary repatriation program, in part because the GOT is reluctant to provide IOM with the airport access necessary to escort returnees until they board the airplane.

1G. (SBU) Turkey borders Georgia, Azerbaijan, Armenia, Iran, Iraq, Syria, and Bulgaria, as well as EU member Greece. Istanbul has a large international airport and there are also international ports of entry by land, sea, and air through several other cities, including Ankara, Trabzon, Erzurum, Adana, and Sarp, on the Georgian border. Although the government expends considerable law enforcement resource to monitor its borders, which are vast and remote, it is not always successful, and the smuggling of goods and humans occurs. Contacts report, however, that the vast majority of trafficking victims and other foreign women who engage in prostitution enter Turkey legally, either by getting work permits at Turkish Embassies abroad or, more commonly, by obtaining one month visas at the border. Since the collapse of the Soviet Union, Turkey has adopted a liberal visa regime with countries formerly in the Soviet Empire to encourage trade and tourism. Women who are deported for prostitution come back repeatedly, according to police. They alter their names slightly or receive a passport in an entirely different name with the help, according to Turkish police, of corrupt officials in source countries or organized criminals. Poor centralization in Turkish border control or corruption may also aid reentry. Only the passports of women testing positive for sexually transmitted diseases are scanned into a centralized computer system.

1H. (U) See para G in Overview section.

1I. (U) Turkey plays an active role in the international community by regularly attending conferences hosted by SECI, USDOS, and IOM. GOT further works with the United Nations, OSCE (Stability Pact and ODIHR), Interpol, and the European Union to combat trafficking. Turkey has been especially active in the Trafficking Task Force within the framework of the Stability Pact/ODIHR. In November 2003 the GOT submitted a draft protocol proposing bilateral anti-TIP cooperation with Ukraine, Moldova, Azerbaijan, Georgia, Bulgaria, Romania, Russia, and Belarus. To date, according to Security Director and Head of the Department of Foreigners Border and Immigration Affairs Mehmet Terzioglu, only Belarus has responded.

1J. (U) See para G in Overview section. The National Action Plan has been submitted to all relevant government agencies, and is available upon request. Embassy submitted a copy to G/TIP shortly after the plan was adopted in March 2003.

1K. (U) The MFA's Deputy Director General for Illegal Migration spearheads the GOT's anti-trafficking initiatives as head of the coordinating body for all agencies involved.

Investigation and Prosecution

1A. (U) On August 3, 2002, the Turkish Parliament passed anti-trafficking legislation, Article 201(b) of the Turkish Penal Code. The text of the law is as follows:

"Those who provide, kidnap, take or transfer from one place to another and house other individuals with the intention of making them work or serve by force, subject them to slavery or similar treatment, threaten, pressure, use force or coercion to persuade them to give up their bodily organs, use undue influence, secure their consent by deception or by using the desperation of such individuals shall be sentenced to five to ten years of heavy imprisonment and a heavy fine of not less than one billion liras.

"If the actions that constitute a crime attempted with the intentions laid out in the first paragraph exist, the victim is assumed not to have given his/her consent.

"If the children below the age of eighteen are provided, kidnapped, taken or transferred from one place to another or housed with the intentions specified in paragraph one, even when no intermediary actions relation to the crime are committed, the penalties foreseen in paragraph one shall still be applied to the perpetrator.

"If the crimes listed in the paragraphs above are committed in an organized manner, the penalties foreseen for the perpetrators shall be doubled."

1B. (U) The penalty for traffickers is five to ten years of heavy imprisonment and a fine of not less than one billion Turkish Liras. These penalties may be doubled if the crimes were committed in an organized manner.

1C. (U) According to the Turkish Penal Code Article 416, the penalty for rape and/or forced sexual assault is at least seven years. Attorney contacts note, however, that rape is difficult to prove and suspects may receive lighter sentences for various reasons related to the incident. There are also articles in the Penal Code that: allow rapists to avoid punishment if they marry their victims; set different levels of punishment depending on whether the victim is married, or a virgin; and define rape as a crime against society rather than a crime against the individual.

1D. (U) Prosecutors have opened 14 cases against alleged traffickers under the anti-TIP legislation adopted in August 2002, charging a total of 46 suspects. Courts have ruled for acquittal in three cases; the remaining cases are ongoing.

1E. (SBU) Contacts repeatedly state that trafficking, where it exists, is in the hands of small operators. Groups may be as small as four or five people who are connected, most often, through kinship or friendship. Increasingly, former prostitutes who have gained Turkish citizenship are working as procurers and pimps and bring women on tourist visas. Traffickers posing as tourist agencies or firms in source countries bring women to Turkey with official work permits. Hotel owners are also believed to coerce women who work as prostitutes.

1F. (U) Official sources tell us Turkey actively investigates cases of trafficking using special investigation techniques. Police officials in Trabzon stated they used primarily undercover operations against traffickers. The Ministry of Interior recently instructed governorships to issue humanitarian visas and temporary residence permits for victims to begin rehabilitation. Our legal contacts hope these visas and residence permits will allow victims to serve as witnesses in investigations and trials of traffickers. Mitigated punishment or immunity for cooperating suspects may be granted unofficially; under Turkish law, there is no policy for plea-bargaining or other confessional treatment for victims of trafficking.

1G. (U) The GOT provides formal training programs on trafficking for police and judicial officials. The Ministry of Justice has given several training seminars to approximately 600 judges and prosecutors on the issue of combating TIP between October 2002 and February 2003. The Ministry of Interior conducted a trafficking training program for 75 police officials. As these training programs were internally developed and administered, Post is unaware of the content discussed or length of these seminars. The GOT also provides special training to the TNP's Foreigner Section officials in areas such as visa fraud, passport forgery, and

illegal entries. During 2003, UNHCR included an IOM TIP module in its Jandarma training program, and IOM has provided TIP training to prosecutors and Justice Ministry officials.

H. (U) Turkey maintains security cooperation agreements, which deal with trafficking, with Belarus, Moldova, Ukraine, Georgia, Azerbaijan, Bulgaria, Romania, and Russia. Other than from Belarus, the GOT says it has not received a response to a diplomatic note it sent in July 2003 to eight source countries (Bulgaria, Romania, Moldova, Russia, Georgia, Azerbaijan, Ukraine, and Belarus) seeking closer cooperation on combating TIP. In November 2003 the GOT prepared a draft protocol on bilateral anti-TIP cooperation and submitted it for consideration to the governments of the eight source countries. Turkey cooperates with the OSCE, EU, Interpol, Europol, and the Black Sea Economic Cooperation. GOT officials have attended numerous international conferences on the issue of trafficking, organized by governmental and NGO bodies.

I. (U) We have no information regarding the extradition of persons charged with trafficking from other countries or whether or not the government allows the extradition of its own nationals, if any, charged with such offenses.

J. (SBU) See para H in Overview section for information on police accused of involvement in trafficking. We have no direct evidence of official involvement in or tolerance of trafficking at higher levels. Contacts state there is some tolerance of foreign prostitution as long as it is kept within certain limits. Authorities may turn a blind eye in the belief prostitution brings an economic benefit. Places where foreign women congregate may provide a cover for trafficked women.

K. (U) We do not have any evidence of GOT involvement in trafficking.

L. (U) Turkey has adopted the following conventions:

-- ILO Convention 182 (Ratified early 2001).

-- ILO Convention 29 and 105 on Forced or Compulsory Labor (ILO Convention 29 went into effect on January 27, 1998 and ILO Convention 105 on December 21, 1960).

-- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (Ratified May 9, 2002).

-- The Protocol to Prevent, Suppress and Punish Trafficking-in-Persons, especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (Signed December 2000; Ratified January 31, 2003 and put into force February 4, 2003).

Protection and Assistance

A. (U) The GOT has established a Humanitarian Visa and Temporary Residence Permit to allow TIP victims to remain in the country for rehabilitation and treatment. The MFA indicates authorities have issued such visas to 16 TIP victims; several others were offered the visas, but decided to return to their home countries instead. According to Security Director Mehmet Terzioglu, in an effort to comply with Stability Pact provisions, these special residency permits have been extended from 1 month to 5 months. In August 2003, the GOT adopted a measure allowing TIP victims to receive free medical treatment. If a foreign woman is detained for prostitution, she is tested for sexually transmitted diseases (STD) before deportation. According to the police chief in Trabzon, if a woman tests positive for a STD and requests assistance, she would receive medical help.

B. (U) The GOT in September 2003 signed an anti-TIP protocol with the Istanbul-based HRDF (see para D in the Prevention section) that includes shelters, but has not funded the initiative. No other Turkish NGOs provide such services. HRDF has worked with IOM to assist in the return of foreign women who have been detained for prostitution or escaped from traffickers.

IC. (SBU) There is no established, consistent screening and referral process in place. GOT officials claim police regularly screen illegal migrants to determine whether they might be trafficking victims; this appears to be true in some cases, but it is not clear how often this happens in practice.

ID. (U) It is longstanding police practice to deport illegal migrants, and foreign women detained for illegal prostitution. Subjects of most such cases have generally been deported within two weeks of detention. The concept of screening illegal migrants to determine whether they may be TIP victims is new, and implementation has been slow.

IE. (U) We have no evidence indicating that victims are encouraged to file civil lawsuits or seek legal action against traffickers. The introduction of humanitarian visas and temporary residency permits (see para A) may help enable victims to seek legal action.

IF. (U) To our knowledge, the government does not provide protection to victims and witnesses.

IG. (U) See para G in Investigation and Prosecution section. Turkey is not a source country.

IH. (U) Turkey is not a source country.

II. (U) See para D in Prevention section on HRDF. No other Turkish NGOs work with trafficking victims to our knowledge. EDELMAN